IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

Bail Appl..No. 7408 of 2007()

CRIME NO. 65/07 OF MARAD POLICE STATION

PETITIONERS/ACCUSED 2 & 3

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1. RAGHAVAN P.K. RETD. HEADMASTER
   "RAGHAM" KIZHARIYUR,KOYILANDY.

2. T.K.KUMARI,
   RETIRED TEACHER, W/O. RAGHAVAN
   RESIDING DO...DO.....

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT/STATE

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1. THE SUB INSPECTOR OF POLICE
   MARAD POLICE STATION.

2. STATE REP. BY PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7408 of 2007

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Dated this the 4th day of December, 2007

O R D E R

Application for anticipatory bail. The petitioners are the father-in-law and mother-in-law of the defacto complainant. The marriage had taken place only on 5.8.2007. The parties are already before courts and the police stations. It is alleged that the petitioners are guilty of matrimonial cruelty of the culpable variety against the defacto complainant. No specific allegation of physical or mental cruelty is raised against the petitioners. Of course, there is an allegation that the ornaments belonging to the defacto complainant, which were entrusted to the first accused were in turn entrusted by him to the petitioners herein. Crime has been registered. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances of the case that directions under

Section 438 Cr.P.C. can be issued in favour of the petitioners, subject to appropriate conditions.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 11.12.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 12.12.07 and 13.12.2007. During this period, the investigators shall be at liberty to interrogate the petitioners in custody and take all necessary steps in connection with the investigation. Thereafter they shall appear before the Investigating Officer on all

Mondays and Fridays between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 11.12.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to his surrender on 11.12.2007 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 11.12.2007.

(R. BASANT)
Judge

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